

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

September 23, 2022

SENT VIA EMAIL AND U.S. MAIL:
sitonarcisse@ebrschools.org

Sito Narcisse
Superintendent
East Baton Rouge Parish School System
1050 S. Foster Dr.
Baton Rouge, LA 70806

Re: Unconstitutional Religious Field Trip

Dear Dr. Narcisse:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in the East Baton Rouge Parish School System. FFRF is a national nonprofit organization with more than 38,000 members across the country, including members in Louisiana. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We were contacted by a concerned staff member who reported that students were given a flier and permission slip for an event titled “29:11 & EBR Day of Hope 2022 Seniors ONLY Field Trip.” This event was advertised as a college fair for seniors, featuring a guest speaker, food, and games. The 29:11 Mentorship Academy is an explicitly Christian faith organization, stating on its website: “[w]e believe by being Inspirational, Intentional and Intimate we’re able to redirect our students to Jesus Christ who defines their future and to change the world.”¹ The name 29:11 itself is a direct reference to the book of Jeremiah in the Christian bible, which reads “[f]or I know the plans I have for you,” declares the Lord, “plans to prosper you and not to harm you, plans to give you hope and a future.”²

The flier in no way mentioned that 29:11 was a Christian organization, or that the event was being hosted by a church, nor did it give any indication what topics would be discussed.³

It is our understanding that speaker sessions were separated by sex, and transgender students were not given the option to join the group that best aligned with their gender identity, with at least one transgender boy being prevented from leaving the “girl-talk sessions.” It’s been

¹ *About Us*, 29:11 Academy, <https://www.2911mentor.com/about> (last accessed Sept. 23, 2022).

² *Home*, 29:11 Academy, <https://www.2911mentor.com/> (last accessed Sept. 23, 2022).

³ See enclosed.

reported that transgender students were bullied by the other students in attendance, including having water poured over their heads with no intervention on the part of the adults present.⁴

This behavior directly violates the East Baton Rouge School System’s policies regarding bullying and harassment, which clearly states that “[s]tudents have the right to expect respect from all fellow students and to be free from any form of bullying by another student.”⁵ Every student has a right to be free from the harmful impacts of bullying and harassment and to feel safe in school environments, and transgender and gender nonconforming students are no exception. Much of the bullying and harassment faced by LGBTQIA+ students is religiously motivated, due to the history of many religions condemning homosexuality and transgender identities.⁶ The religious nature of this event directly contributed to the danger transgender and gender nonconforming students were placed in, with one student who attended the event saying:

“As a genderfluid person, I don’t identify as either a boy or a girl, so this was a troubling situation for me. However, due to the nature of this program being in a church, I immediately assumed that I would be discriminated against if I went with the boys, so I stayed sitting down and kept my mouth shut.”⁷

This same student shared that during the “girl-talk” sessions, students were inundated with harmful and traumatic religious rhetoric. One speaker told the students present that they should forgive rapists and abusers, stating that she would not have been physically abused if she “had waited for the man God meant for her,” and a pastor preached to the students about “being a good Christian girl.”⁸ Other speakers reportedly gave graphic talks about “rape and forgiving the offender, suicide, and prayer leadership” amongst other controversial topics.⁹

It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCollum v. Bd. of Ed.*, 333 U.S. 203 (1948). Bringing students to a church to be preached at violates this basic constitutional prohibition by creating the appearance that the District prefers religion over nonreligion and Christianity over all other faiths.

⁴ Charles Lussier, “Day of Hope” field trip prompts criticism from Baton Rouge high school students, *The Advocate* (Sept. 21, 2022)

https://www.theadvocate.com/baton_rouge/news/education/article_97dc38c2-3a0d-11ed-a388-3f7b65892ceb.html.

⁵ 2022-2023 *Student Rights and Responsibilities and Discipline Handbook* § 17(1), East Baton Rouge School System,

https://staff.ebrschools.org/wp-content/uploads/2022/07/2022-2023-Student-Rights-and-Responsibilities-and-Discipline-Handbook_Adopted-July-2022.pdf

⁶ *True Faith Doesn’t Bully*, Tyler Clementi Foundation, <https://tylerclementi.org/true-faith/> (last accessed Sept. 23, 2022)

⁷ Alexis Budyach, <https://www.facebook.com/alexis.budyach/posts/639321274530387> (last accessed Sept. 23, 2022).

⁸ *Id.*

⁹ *Supra* n. 4.

It excludes non-Christian and non-religious students for a public school to schedule a trip to this type of sectarian event. “School sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, at 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)). Certainly, the religious content of “Day of Hope” would not be permitted to exist in a public school. Likewise, school activities must not contain proselytizing messages.

The fact that participation or attendance on these field trips is voluntary is not a valid safeguard. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

It is an egregious abuse of government power to proselytize a captive audience of young, impressionable school children in this manner. No public school should dictate what religion to believe in or not believe in. The District must refrain from taking children on future field trips to any other religious destinations, and must ensure it abides by its own anti-bullying policies. Please inform us in writing of the steps you are taking to ensure that this constitutional violation does not recur.

Sincerely,



Kat D. Grant
Equal Justice Works Fellow (sponsored by the Wm. Collins Kohler Foundation)
Freedom From Religion Foundation

Enclosure

29:11 & EBR Day Of Hope 2022 Seniors ONLY Field Trip

Field Trip Date: Tuesday, September 20th TIME: 8:30AM-1:30AM

ALL FORMS MUST BE TURNED IN TOMORROW (NO EXCEPTIONS!)

FREE FOOD



A central poster for the "Day of Hope" event. At the top, it says "EBR Day of HOPE" with a logo of a family. Below that, it says "THE POWER OF CHOICES" and "SEPTEMBER 20, 2022 8:00AM - 1:30PM". The address "4375 Winbourne Ave. Baton Rouge, LA 70805" is listed. There are two small photos of speakers, one labeled "KEYNOTE SPEAKER" and the other "SPECIAL GUEST". At the bottom, it says "COLLEGE & CAREER FAIR, BREAKOUT SESSIONS, LIVE MUSIC, KEYNOTE SPEAKER, FREE FOOD & MORE" and "EVERY STUDENT, EVERY DAY!" with a signature.

FUN & GAMES

SPECIAL GUEST

SIGNING PARENT/GUARDIAN INFORMATION

RELEASE AND HOLD HARMLESS AGREEMENT

I declare by signing this form that I am the legal parent/guardian of minor child and student (hereinafter "student") of and I am authorized to grant permission for the activities planned by 2911 Academy. I hereby authorize my child to participate in the "Day of Hope" event. I hereby give consent for my child to participate in the Day of Hope and I understand that these events will take place away from school grounds and that student will be under the supervision of the designated 2911 Academy employees, volunteers and EBRPSS employees on Tuesday, September 20, 2022. I fully understand that my child's transportation to and from the event is solely the responsibility of the parent and/or school. In consideration of student being allowed to participate in school programs and special events, I agree to release and hold harmless 2911 Academy, any and all affiliated organizations, their employees, agents and representatives, including volunteer and other drivers from any and all claims arising from or relating to student's participation. This Release and Hold Harmless Agreement does not apply to claims or intentional misconduct or gross negligence.